

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Florack, et al.

Examiner: Unassigned

Serial No.: 10/574,888

Group Art Unit: Unassigned

International Application No:  
PCT/NL2004/000708

Docket No.: 294-248 PCT/US

Filed: April 7, 2006

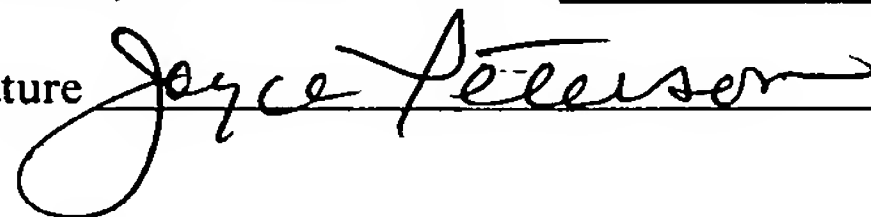
Confirmation No.: 3362

For: CHIMERIC CARRIER MOLECULES FOR  
THE PRODUCTION OF MUCOSAL VACCINES

Date: March 12, 2008

Mail Stop PCT  
Attention: PCT Legal Staff  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**PETITION TO REVIVE**

A Notification of Abandonment was mailed by the Office on February 12, 2008. The reason stated for the Notification of Abandonment is "Sequence Listing, filed 10/03/07 could not be accepted. See attached CRFD dated 2/11/08." According to the Notice, the above-identified application became abandoned for failure to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495.

A Notification of Missing Requirements was mailed by the Office January 5, 2007. A response, including a sequence listing was filed February 5, 2007. A Notification of Defective Response was received on October 2, 2007, well after the six month statutory period (with extensions) running from the Notification of Missing Requirements, had expired.

On October 30, 2007 a response was filed with the Office, amending the sequence listing and providing a computer readable format (CRF). On February 11, 2008, Applicants' attorney contacted the Office for information regarding a filing receipt. Applicants' attorney noticed that the sequence listing in PAIR in the Image File Wrapper was not the sequence sent by the attorney to the Office. In order to obtain information regarding which paper

document was sent to the Office and why the original sequence, rather than the amended sequence was in the Image File Wrapper, attorney contacted several individuals within the Office.

Applicants' attorney was directed to contact Mr. Scott Priebe at 571-272-0733 for information regarding the sequence listing and problems with PAIR. After discussing the sequence listing received, Applicants' attorney was instructed that the CRF contained the amended sequence listing; however that new listing contained two new errors.

Mr. Priebe instructed Applicants' attorney that the PAIR system was exhibiting communication errors between the identification of incorrect responses and the triggering of subsequent Office instruction. Therefore, Mr. Priebe indicated he would manually trigger a response within the system and Applicants' attorney should await a new Notice of Defective Response. However, rather than receiving a new Notice of Defective Response, Applicants' attorney received a Notice of Abandonment.

Applicant submits this petition under 37 CFR 1.137(b) to revive this unintentionally abandoned application and encloses herewith:

1. Please charge Deposit Account No. 08-2461 the amount of \$1,540.00 to cover the petition fee for a non-small entity; and
2. A proper reply in the form of an Amendment and Communication to Comply with Notification of Defective Response
3. A copy of the Notification of Defective Response

A Terminal Disclaimer is not enclosed since this international application has an international filing date after June 8, 1995.

In the event that any additional fees are due, the Patent Office is authorized to charge Deposit Account No. 08-2461 for such fees.

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Petition to Revive  
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The entire delay in filing the correct response to the Notice of Defective Response from the due date until the filing of a grantable petition under 37 CFR 1.37(b) was unintentional.

Respectfully submitted,



---

Ellen N. Hollcroft  
Registration No. 58,452  
Attorney for Applicant(s)

HOFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(516) 822-3550  
ENH:jp

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Florack, et al.

Examiner: Unassigned

Serial No.: 10/574,888

Group Art Unit: Unassigned

Filed: April 7, 2006

Docket No.: 294-248 PCT/US

Confirmation No.: 3362

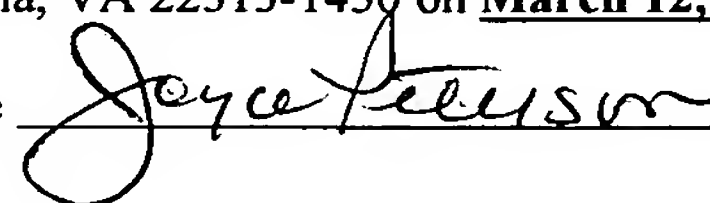
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PRODUCTION OF MUCOSAL VACCINES

Date: March 12, 2008

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Alexandria, VA 22313-1450 on **March 12, 2008**

Signature



**AMENDMENT AND COMMUNICATION TO  
COMPLY WITH NOTIFICATION OF DEFECTIVE RESPONSE**

Sir:

In response to a Notification of Defective mailed October 2, 2007, Applicants  
enclose herewith the following:

1. A substitute CD containing the sequence listing in computer-readable  
form (CRF);
2. A substitute paper copy of the sequence listing; and
3. Copy of Notification of Abandonment.

According examiner Scott Priebe, the initial response to the notice was  
inadequate in that sequences 4 and 5 stated "Nucleic Acid Sequence" rather than  
"Artificial Sequence" and there was no <220> or <223> as required.

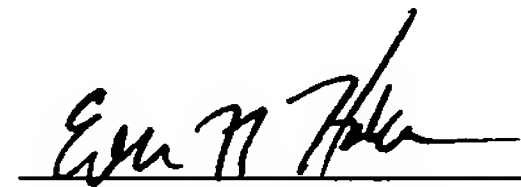
Under 37 C.F.R. 1.821(f), the Applicants' Attorney hereby states that the  
contents of the substitute computer readable form and the substitute paper copy filed  
herewith are the same.

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with Notification of Defective Response  
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Under 37 C.F.R. §1.821(g), the Applicants' Attorney also states that the substitute computer readable form and paper copy of the sequence listing do not include any new matter.

Accordingly, it is respectfully requested that the substitute computer readable form and paper copy of the sequence listing be entered into the application.

Respectfully submitted,



---

Ellen N. Hollcroft  
Registration No. 58,452  
Attorney for Applicant(s)

HOFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(516) 822-3550  
ENH:jp

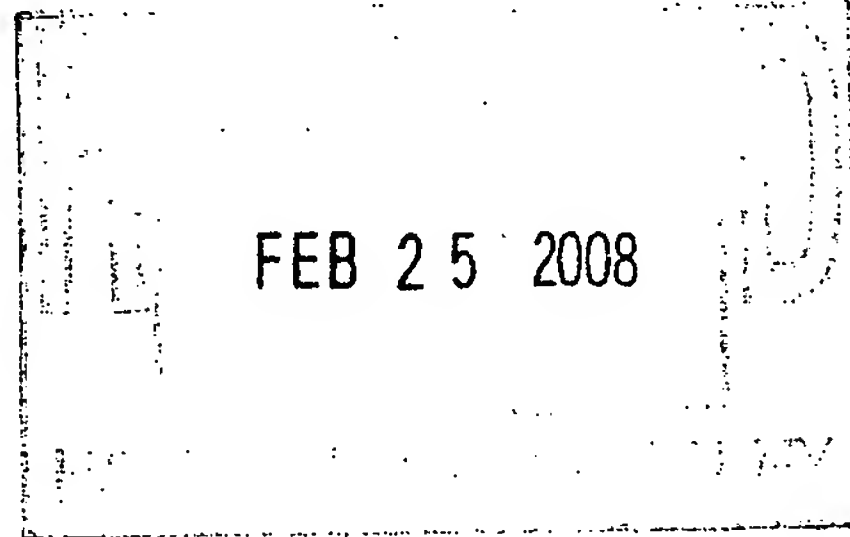


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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/574,888	Dionisius Elisabeth Antonius Florack	294-248 PCT/US

23869  
HOFFMANN & BARON, LLP  
6900 JERICHO TURNPIKE  
SYOSSET, NY 11791



INTERNATIONAL APPLICATION NO.	
PCT/NL04/00708	
I.A. FILING DATE	PRIORITY DATE
10/08/2004	10/09/2003

**CONFIRMATION NO. 3362**  
**371 ABANDONMENT/TERMINATION**  
**LETTER**



Date Mailed: 02/21/2008

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Sequence Listing, filed 10/03/07 could not be accepted. See attached CRFD dated 02/11/08

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

=====

Sequence Listing could not be accepted.

If you need help call the Patent Electronic Business Center at (866)  
217-9197 (toll free).

Reviewer: Durreshwar Anjum

Timestamp: [year=2007; month=12; day=4; hr=9; min=53; sec=59; ms=804; ]

=====

\*\*\*\*\*

Reviewer Comments:

Seq Id 4 and 5

Invalid response for <213>, If <213> responses are Aritificial or  
Unknown please give the source of genetic material.

\*\*\*\*\*

Application No: 10574888

Version No: 2.0

Input Set:

Output Set:

Started: 2007-11-14 19:18:33.328

Finished: 2007-11-14 19:18:35.056

Elapsed: 0 hr(s) 0 min(s) 1 sec(s) 728 ms

Total Warnings: 18

Total Errors: 0

No. of SeqIDs Defined: 18

Actual SeqID Count: 18

Error code	Error Description
W 213	Artificial or Unknown found in <213> in SEQ ID (1)
W 213	Artificial or Unknown found in <213> in SEQ ID (2)
W 402	Undefined organism found in <213> in SEQ ID (3)
W 402	Undefined organism found in <213> in SEQ ID (4)
W 402	Undefined organism found in <213> in SEQ ID (5)
W 213	Artificial or Unknown found in <213> in SEQ ID (6)
W 402	Undefined organism found in <213> in SEQ ID (7)
W 402	Undefined organism found in <213> in SEQ ID (8)
W 213	Artificial or Unknown found in <213> in SEQ ID (9)
W 402	Undefined organism found in <213> in SEQ ID (10)
W 402	Undefined organism found in <213> in SEQ ID (11)
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W 402	Undefined organism found in <213> in SEQ ID (15)
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# SEQUENCE LISTING

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<120> Chimeric Carrier Molecules for the Production of Mucosal Vaccines

<130> 294-248 PCT/US

<140> 10574888

<141> 2007-11-14

<150> PCT/NL2004/000708

<151> 2004-10-08

<150> EP 03078192.6

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<170> PatentIn version 3.4

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1 5

<210> 2

<211> 4

<212> PRT

<213> Artificial Sequence

<220>

<223> KDEL signal Peptide

<400> 2

Lys Asp Glu Leu

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<210> 3

<211> 20

<212> PRT

<213> Artificial Sequence

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SEQUENCE LISTING

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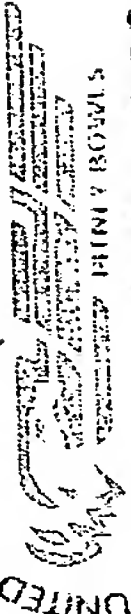
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SYOSSET, NEW YORK 11791-4407

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